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June 23, 2006

**VIA EXPRESS MAIL
POST OFFICE TO ADDRESSE
EJ714638667US**

Commissioner for Trademarks
Attn: Trademark Trial & Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

RE: University of South California v. University of South Carolina
Opposition No. 91125615
Our File No. 13524/01501

Dear Commissioner:

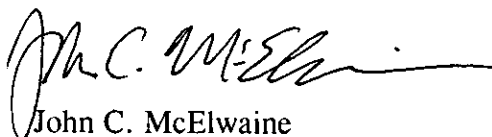
Please find enclosed for filing the following original Applicant's Notice of Reliance:

1) Applicant's Notice Of Reliance No. 28 Relating To Documents Produced During
Discovery In This Action And Admissible By Notice Of Reliance Pursuant To Stipulation
Between All Parties

By copy of this letter we are serving the opposing counsel with this Notice of Reliance.

Thank you for your assistance in this matter.

Very truly yours,


John C. McElwaine

Enclosure

cc: Michael S. Adler, Esquire (w/encl.)

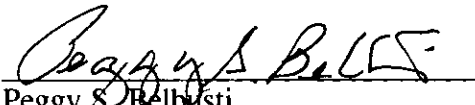
06-26-2006

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Attn: Trademark Trial & Appeal Board
June 23, 2006
Page 2

CERTIFICATE OF MAILING

I certify that the foregoing documents regarding Opposition No. 91125615 are being deposited with the United States Postal Service as Express Mail Post Office to Addressee, Express Mail Label No. EJ714638667US, postage prepaid, in an envelope addressed to the Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on June 23, 2006.


Peggy S. Belbusti

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California)	Opposition No. 91125615
)	
Opposer,)	Serial No. 75/358,031
)	
vs.)	Mark: SC (Stylized)
)	
University of South Carolina,)	Filed: September 16, 1997
)	
Applicant.)	Published: May 18, 1999
)	

**APPLICANT'S NOTICE OF RELIANCE NO. 28 RELATING TO DOCUMENTS
PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY
NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES**

Pursuant to Stipulation Regarding Documents entered into between Opposer the University of Southern California ("Opposer" or "California") and Applicant, the University of South Carolina, ("Applicant" or "South Carolina") (collectively "Parties") on or about May 2, 2006, and filed with the Board on May 3, 2006, the Parties have agreed excerpts from South Carolina's yearbooks may be submitted by means of Notice of Reliance. Furthermore, these yearbook excerpts are printed publications and admissible pursuant to 37 C.F.R. § 2.122(e) and TBMP § 704.07.

The documents are relevant in this action to demonstrate (a) that there have been no periods of non-use of the letters "SC" by the University of South Carolina; (b) that the marks are not likely to be confused with marks owned by California; and (c) that the nature of the goods are different because they are tied to fan-related products.

In accordance with TBMP §§ 704.07, 704.11 and 705, attached as Exhibits 444 through 458, respectively, are true and correct copies of the following documents produced in discovery in this action and stipulated to by the Parties:

Applicant's Exhibit No.	Description
444	1930 Garnet & Black showing member of Freshman baseball squad wearing a jersey with the letters "SC".
445	1934 Garnet & Black showing gymnastics team members wearing a uniform bearing an "SC" over top a "U".
446	1935 Garnet & Black showing a drawing of the football stadium with the crowd forming the letters "SC".
447	1937 Garnet & Black showing tennis players wearing tennis shirts bearing the letters "SC".
448	1938 Garnet & Black referring to South Carolina under the mark "U. of S.C."
449	1939 Garnet & Black showing tennis players wearing tennis shirts bearing the letters "SC" and signage of South Carolina bearing the letters "SC".
450	1940 Garnet & Black referring to South Carolina under the mark "U. of S.C." and signage of South Carolina bearing the letters "SC".
451	1941 Garnet & Black showing a equipment chief and players wearing shirts bearing the letters "S.C.A.A."
452	1943 Garnet & Black showing a football player wearing a shirt bearing the letters "SC".
453	1948 Garnet & Black showing Coach Frank Johnson wearing a sweatshirt bearing "U. of S.C."
454	1973 Garnet & Black showing a student wearing a t-shirt bearing the letters "SC" on the left breast.
455	1975 Garnet & Black back cover photograph of signage of South Carolina bearing the letters "SC".
456	1979 Garnet & Black showing Karate student wearing a robe bearing the letters "SC".
457	1980 Garnet & Black showing picture of football stands where female fan has on a hat bearing the letters "SC".
458	1981 Garnet & Black showing a picture of baseball stands where male fan has on a baseball hat bearing the letters "SC".

Applicant hereby gives Notice that it will rely upon these documents.

Dated: June 23, 2006

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By: 

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Attorneys for University of South Carolina

CERTIFICATE OF MAILING

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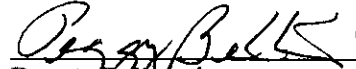

Peggy S. Belbusti

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S NOTICE OF RELIANCE NO. 28 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES is being placed in the United States mail, first class, postage prepaid, on June 23, 2006, addressed to the following:

Michael S. Adler, Esquire
Gibson, Dunn, & Crutcher, LLP
2029 Century Park East, Suite 4000
Los Angeles, CA 90067-3026

Attorneys for Opposer University of Southern California



Peggy Belbusti
Administrative Assistant

June 23, 2006

GARNET AND BLACK 1930

EDITED BY

Garnet and Black Staff

ROBERT WAUCHOPE *Editor*
RAYMOND BRADY HILDEBRAND *Business Manager*
MARY BARKER TAYLOR *Art Editor*



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FRESHMAN SQUAD

Resume of Freshman Baseball

Disguised in moth-eaten, clay-stiffened, sweat-rotted uniforms, the Biddies looked like a bunch of ham and eggheads, but when they took their places on the diamond they proved that beneath their dingy exteriors beat the heart of true leaguers.

Crossing bats with the varsity, they often made practice miserable for them, while in their regular scheduled games, they slugged out five victories.

On the team were none other than Heyward Culp, John Assey, Oscar Skinner, Lew Wallace, Herbert Watson, John Leipersock, Horace McGhee, Bill Brigham, Archie Vaughn, Edward Sykes, Buddy Laval, N. B. Hicks, Fred Floyd, William Harley, Schwartz, Ritch and Hendry.

Little Archie Vaughn, scintillating second baseman, was elected captain. George King managed the squad.

RESULTS OF FRESHMAN SEASON

Freshmen.....	10	Winsboro A. C.....	3
Freshmen.....	14	Cage Tigers.....	2
Freshmen.....	4	Col. High.....	5
Freshmen.....	2	Col. Mills.....	5
Freshmen.....	3	Pacific Mills Juniors.....	0
Freshmen.....	14	Winsboro Mills.....	9
Freshmen.....	10	Florence High.....	5

[214]



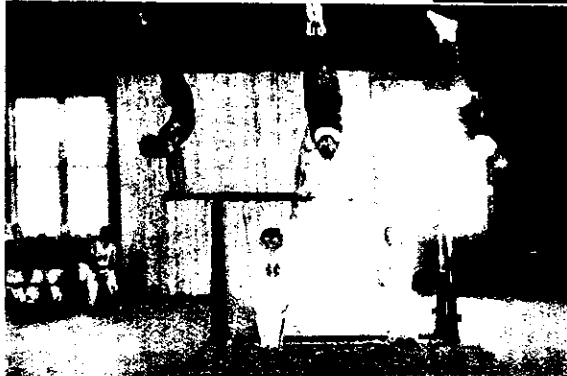
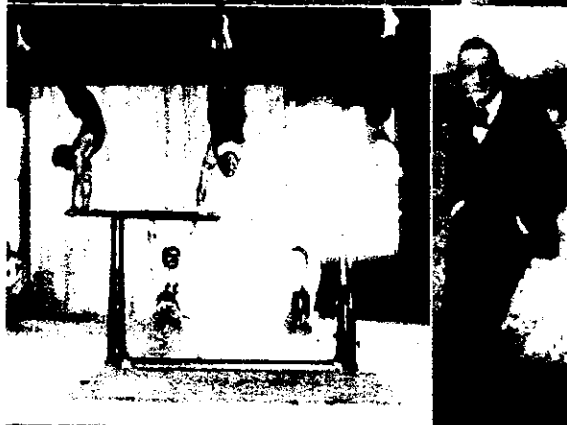
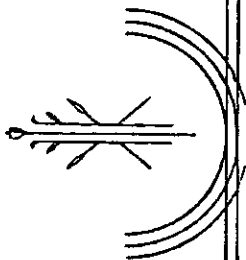
GARNET AND BLACK

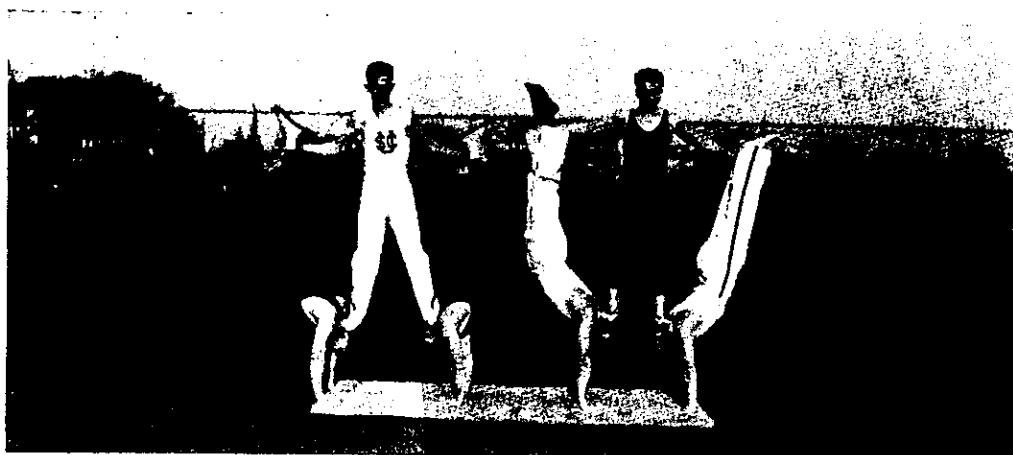
THE YEARBOOK OF THE UNIVERSITY OF SOUTH CAROLINA

PUBLISHED BY THE STUDENT BODY
AT COLUMBIA, SOUTH CAROLINA

VOLUME 36
1 9 3 4

MINOR SPORTS





THE GYM TEAM POSES

GYM TEAM

THE gym team representing the University is the first to enter competitive gymnastics, and has this year proven itself worthy to be continued. Two matches have been had to date, with Navy and West Point; Carolina lost both, but the feature of the two matches was the tumb-

ing of the southerners, which won first place against each opponent. Joe Belotte, John and Octavius Amato, and Peter Marchak composed the squad, and the 1935 team will have as a nucleus these men, and Sam Preston and R. W. McCormick.



OCTAVIUS AMATO—TUMBLING

One Hundred Seventy-two

Opposition No. 91125615
Univ. Southern California v.
Univ. South Carolina

Applicant's
Ex. No. 446 Pg. No. 3



The 19

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Black

Annual publication
of the student body
of the

University of
South Carolina

Volume





Football Team '98

MAJOR SPORTS

E
NE

— 1937 —

COLUMBIA
SOUTH CAROLINA

ARNET AND BLACK

AL PUBLICATION OF THE STUDENT BODY

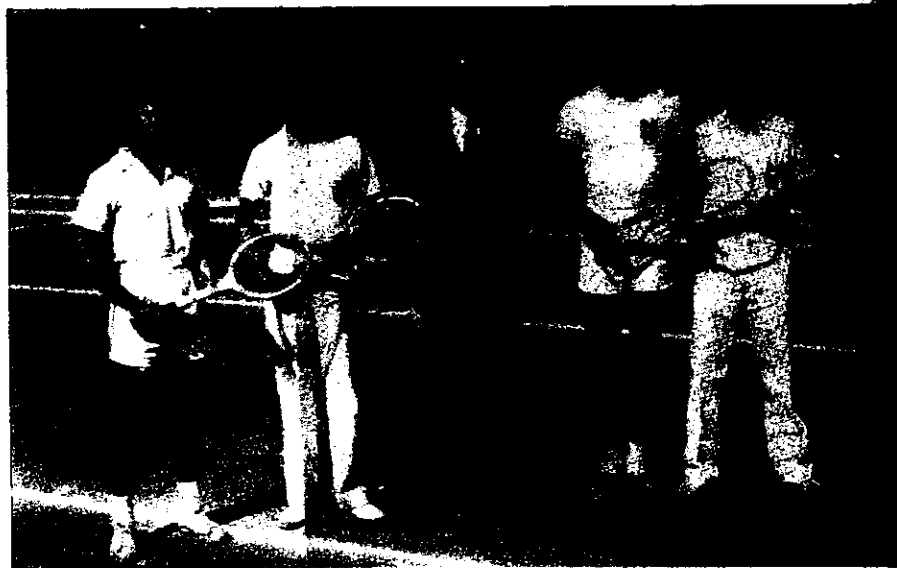
UNIVERSITY • OF • SOUTH • CAROLINA

Opposition No. 91125615
Univ. Southern California v.
Univ. South Carolina

Applicant's

Ex. No. 447, Pg. No. 1

State Tennis Champs



DANIELS, CARSON, WAGENER, Coach; LIPSCOMB, BRABHAM, WILLIAMS

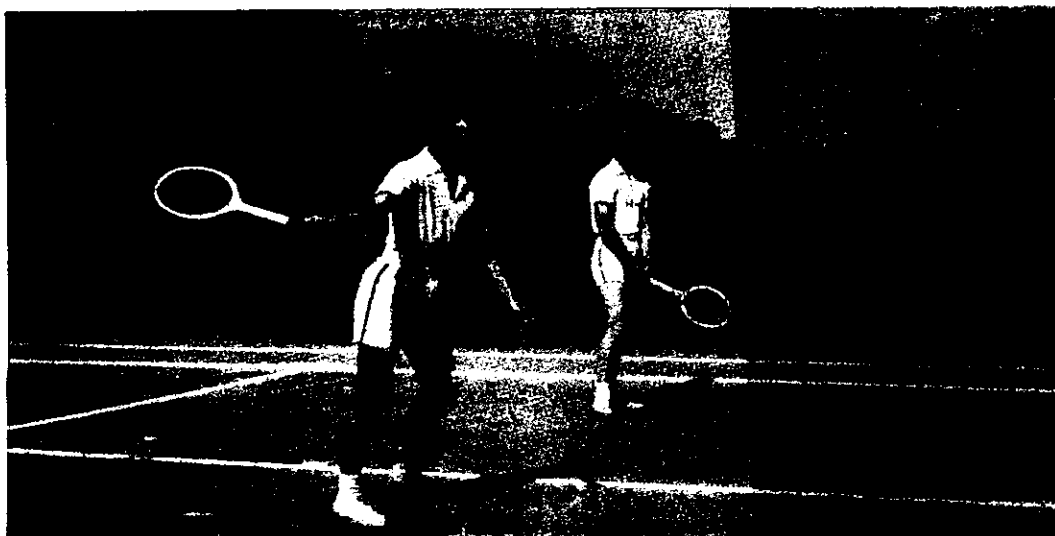
For the second consecutive season, the tennis team won the state championship. The 1936 edition of the netmen went through the season undefeated in state competition. Furman, Presbyterian College, Wofford, Erskine and The Citadel racketeers fell before the strong Gamecock squad. The team was composed of Sam Daniel, Guy Lipscomb, Dinky Williams, Fred McIntosh, Captain Wesley Walker, Billy Brooker, Louis Bryan and John Hussey. At the close of the season, the team was entered in the State collegiate net tournament in Spartanburg. Captain Daniel lost to Wortham Dibble in the semi-final round and Dinky Williams fell before Tate Horton in the quarter-finals but the two netters combined to win the state doubles title. The doubles team did not lose a match during the season and climaxed their wins by copping the State title.

The 1937 team has started the season with the largest squad of strong net players ever to represent Carolina. From No. 1 to No. 8, the players are strong and experienced. Led by Captain Sam Daniel, the netters have not been

defeated as the annual goes to press. They have won Wofford twice, Erskine twice, Furman, P. C. and The Citadel. Only Clemson stands between the Gamecock netmen and their third straight state championship. So far this season the Gamecock netmen have won 32 individual matches to only 5 losses. The state champion doubles pair, Dinky Williams and Sam Daniel are nearing the close of their second year, still undefeated. Three players, Sam Daniel, Dinky Williams and Courtenay Carson, are undefeated in State competition this season. Daniel has dropped either a singles or a doubles match in the varsity competition, save the one singles loss in the tournament. The captain is the only senior on the team, three juniors and four sophomores otherwise make up the team.

The squad has been coached by W. Y. Wagener, seeking his second State title as a coach. Bleachers erected around the varsity courts and tennis has attained unexcelled popularity among the students at the

STATE DOUBLES CHAMPIONS



The team will play in the State tournament on May 6, 7, 8, the team defending its title.

Members of the 1937 edition of the netmen are: Sam Daniel, Guy Lipscomb, Dinky Williams, Louis Bryan, Courtenay Carson, Edolph Brabham and Earl Asbill, known to the netmen as "Junior". The team is the officially adopted mascot.

Following the State tournament, the netmen probably enter the Southern Conference meet in Atlanta.

For the first time in the history, the netmen are uniformed and will wear letters and sweaters close of the season.

205



Larnet and Black

GARNET
AND
BLACK

1939

U.S.C. UNIV.
ARCHIVES

Opposition No. 91125615
Univ. Southern California v.
Univ. South Carolina

Applicant's
Ex. No. 449, Pg. No. 1



Opposition No. 91125615
Univ. Southern California v.
Univ. South Carolina

Applicant's
Ex. No. 449, Pg. No. 3



"SCENE" ON THE CAMPUS

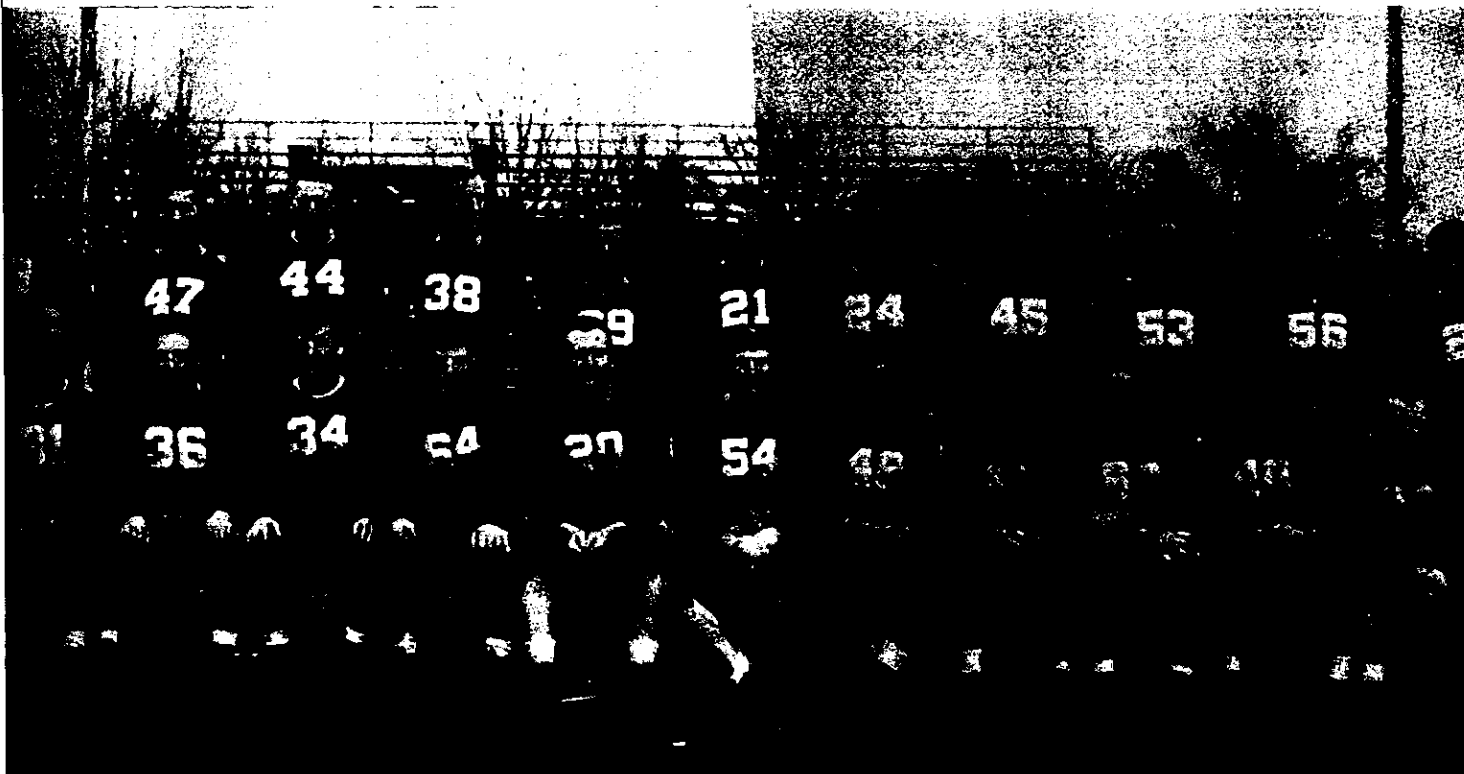
Garnet & Black

THE NINETEEN FORTY-ONE

• *Published by* •

THE STUDENT BODY OF THE UNIVERSITY
OF SOUTH CAROLINA IN COLUMBIA





STANDING: FitzSimons, Stan Nowak, Krivonak, Kroto, S. Nowak, Burgess, M. Carter, E. Carter, Middlebrooks, Crawford, Arrowsmith, Blouin, Rice • SITTING: Coman, Attaway, Grugan, Lowry, Elston, Sossamon, Lytle, George, Grygo, Hatkevitch, Roskie, Clary.

kickoff of the game. "Hedge" Arrowsmith accounted for the three extra points.

Elated rooters for the Gamecocks had their fingers crossed as the second half started. The Birds were leading 21 to 6, and apparently had stayed an upset. The

second half and three complete teams of the Dukes were too much for the tiring Birds and the final Duquesne tally with less than three minutes to play meant the ball game.

The Gamecocks' brilliant showing against Duquesne drummed up business for another State Fair encounter



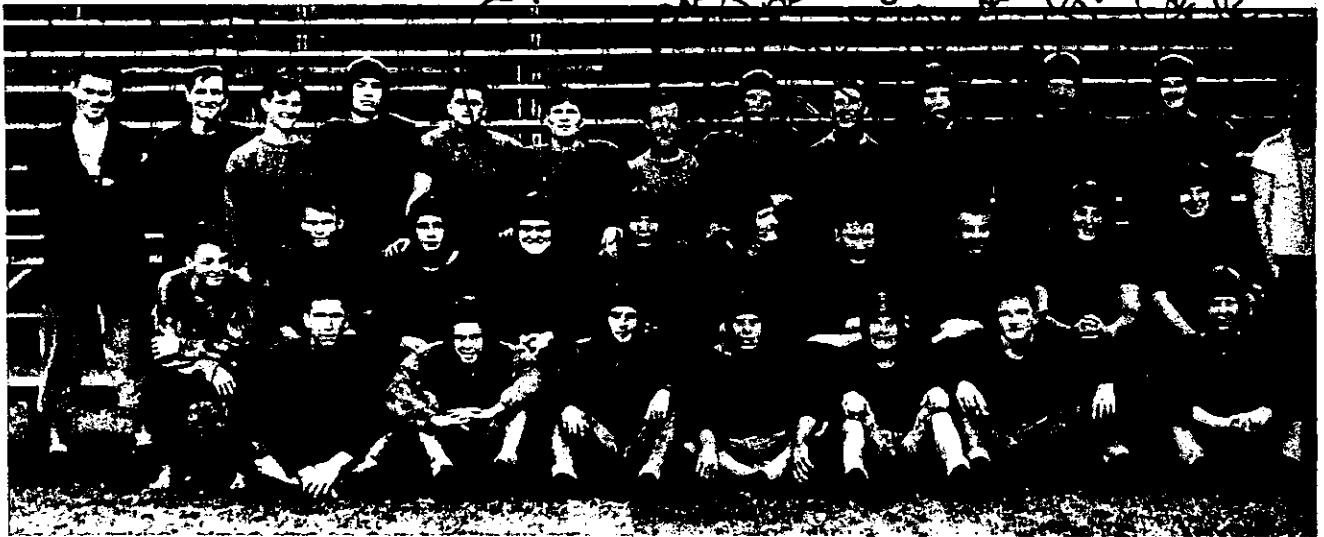
DURING THE ALMA MATER



MANAGER FitzSIMONS, EQUIPMENT CHIEF DUNCAN

STATE CHAMPION

E CHAMPIONS



Back row: Lucius Henson, Backfield Coach; Sligh, Ward, Milner, Keenan, Norman, Abell, Little, Dunham, Stevenson, McDonald, Neeley, Coach Frank Johnson • Middle row: Manager; Wilson, Turner, McMillan, Bower, Johnson, Allen, Tate • Front row: Harrison, Nevils, Bridwell, Allard, Tobias Knox.

Taking over the reins of the frosh from Ted Petoskey, who boasted four State Championships in five years, Coach Frank Johnson led the freshmen through a season of three wins and two losses. The 1940 rats closed their year in a three-way tie for the championship with the Furman first-year men and the Citadel Bullpups.

Georgia was the opening game. The spirited, but light, Carolina frosh fell before the weight and expert ball handling of the Bullpups in a hard fought 13 to 0 defeat. The young Birds then preened their feathers and were ready when the Blue Anklets of Presbyterian College came to town. Air-conscious against the Socks, the Biddies smothered them to the tune of 20 to 6. Further practice primed the frosh for the thrusts of the baby Tigers from Clemson. In the game the Biddies discovered a passer in their ranks. Jay Ward, taking charge of the game, passed the frosh to victory over a heavier Clemson eleven, 14 to 7. Ward passed to Bridwell for one score, and Little took the ball over on a dash for the second tally.

A picked squad of Citadel freshmen gave the Biddies their first State loss in four years. Rain started immediately after the referee began the game, and continued through the second half. A complete mud-fest, the game turned into a punting contest. The cadets took advantage of two breaks, however, and won 13 to 0.

Next foe on the list was the Furman Purple Breeze, who had previously licked Citadel. In freezing temperature the Biddie underdogs kept the heavier Furman squad bottled

all evening and won out 7 to 0. Ansel Bridwell scored the lone tally on a beautiful off-tackle thrust that netted fifty yards. Big Jack Keenan, tackle, added the extra point.

Outstanding in the Biddie line during the season were "Skimp" Harrison, on the receiving end of nearly all passes; Jack Keenan, hefty tackle; Wilson Johnson and Ernie Bauer, powerful in the guard slots; Bill Milner, slashing end.

In the backfield the stars were numerous: Jack Little, fastest man on the team; Ansel Bridwell, former Greenville High School standout; Benny Allard, who did most of the punting; Earl Dunham, most consistent ground gainer and the team's best blocker. Bill Turner continued his smashing line thrusts of high school days. Jay Ward, flashy halfback, developed an accurate passing arm.



Coach FRANK JOHNSON, who upheld a splendid record in his first year as freshmen director.



LARNET & BLACK

1943

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Applicant's
Ex. No. 452, Pg. No. L

Up Good Fight Always



Gamecocks and Tigers tangling.

The Birds dealt the Vols statistical blows in the first half, but gave ground in the second half. Carolina hung up six first downs to the Vols seven, but the Vols gained more ground by rushing, getting 87 yards to the Birds 40.

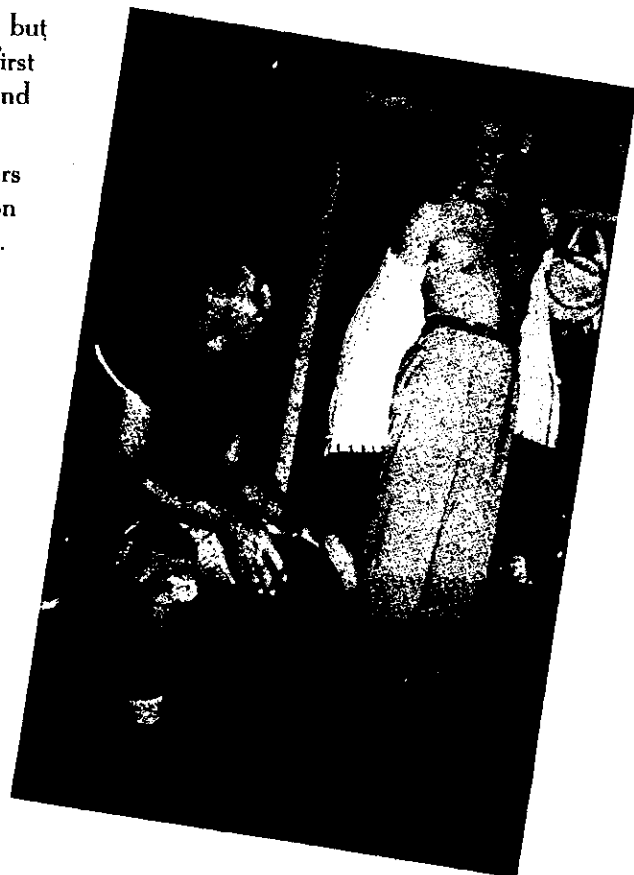
The Birds did pretty well considering that the Volunteers went on to have a successful season and got an invitation to the Sugar Bowl in New Orleans on New Year's Day.

CAROLINA 6—NORTH CAROLINA 18

For the second year in succession, the Gamecocks traveled to Chapel Hill, where they took on the heavily manned North Carolina Tarheels. The Gamecocks were defeated in Keenean Stadium before 14,000 wartime enthusiasts, by a score of 18 to 6.

North Carolina's passing and running attacks were just too much for the travel-worn Gamecocks. This game evened the current series in the "Battle of the Carolinas," as the Tarheels bounced back after the beating the Birds gave them last year.

Earle Dunham played fine ball for the Gamecocks but it remained for sophomore Bob O'Harra



"MOUSE BABY" HALSALL and "IRON MAN" RICE talk over a tough afternoon to come.



Garnet 94 and Black 8



THE JAYVEES BEAT FORT JACKSON IN A NIGHT GAME ON MELTON FIELD

SECOND FRONT

Misters in Between



COACH FRANK JOHNSON

Coach Frank Johnson handled the junior varsity football squad during the 1947 season. The squad, some 30 strong, was composed of men not ripened enough for varsity competition, mostly freshmen and sophomores. No doubt many of them will take over varsity berths in the 1948 campaign.

The Jayvees opened the season with a 13-0 loss to the University of North Carolina on Melton Field, in a hard fought game as the junior Gamecocks showed up much better in the defensive than offensive. They really turned on the steam in their second game and downed the Fort Jackson team 34-0, in a night game on Melton Field. In the season's final game the Jayvees bowed to the Duke junior varsity by several touchdowns at Durham.



1973 Garnet and Black
University of South Carolina
Columbia, South Carolina
Volume 75

Copyright, Garnet and Black, 1973

ICE CREAM, Carolina students have discovered,
is good for "what ails ya".
BUSINESS seems very good this hot summer
day as several people patronize the ice cream
man's shop-on-wheels.



TOWN MEN (with volleyball): Kneeling: Joe Soltish, Steve Ely, Barry Strumpf. Standing: David Hines, Neil Mitchell, Jerry Sanders, Joe Detz, Brian Mahelsky. (with football) Standing: Jerry Sanders, Joe Detz, Jim Garbowski, Neil Mitchell, Tom McGee, Steve Ely. Bottom row: David Hines, Joe Soltish, Dan Gleason, Brian Mahelsky, Jerry English.

NOT PICTURED: Anthony Evans, Oak Jones, Carl Johnson, Jesse Dannelly, Craig Tribler.

TOWN MEN'S ASSOCIATION



Town Men's Association is the campus organization of which every off campus man at the University is a member. Town Men has, over the past three years, been extremely active and successful in the intramural program.

This year TMA won its third straight residence hall division football championship while in the two previous years Town Men were the campus football champs. Last year TMA finished second in basketball and for the first time in TMA history, won the campus softball championship. TMA faired well enough both in the major and minor sports such as tennis, vol-

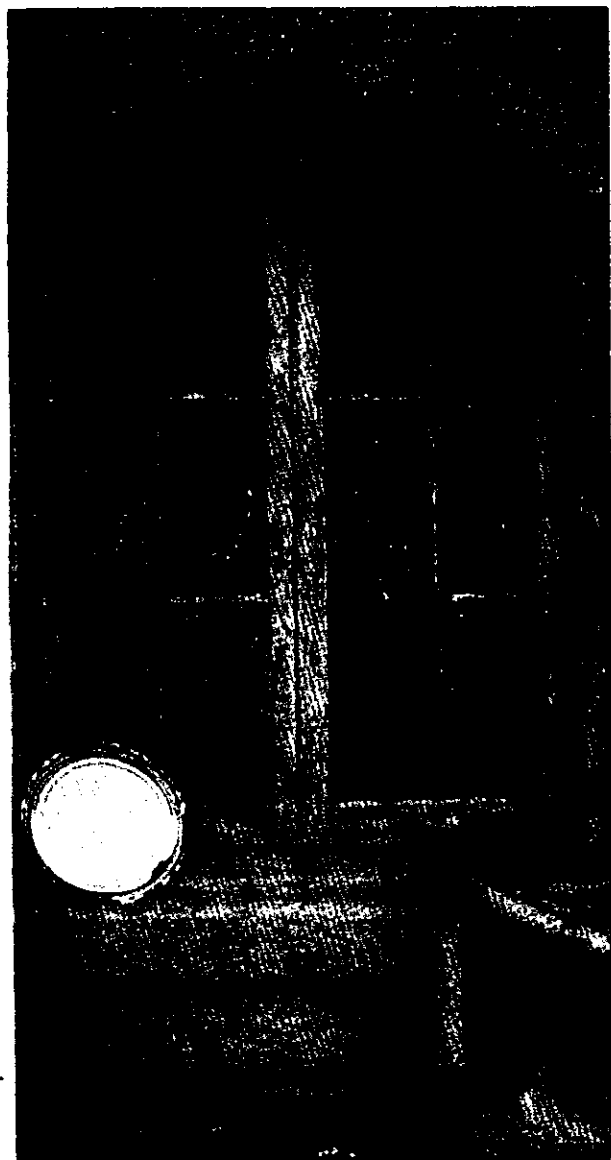
leyball, swimming, handball, squash, bowling, badminton, and ping-pong, to capture the residence hall division All-Sports trophy by a wide margin.

Offering off campus men an opportunity to participate in intramural sports is not TMA's only interest. In addition, TMA has been active in social and service projects such as Carolina Cares. Its future plans call for the sponsorship of mixers, membership drives and work with Volunteer Action Council's "Success Rally" initiated to encourage the education of S.C. inmates and raise funds for a scholarship program.

Opposition No. 91125615
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Univ. South Carolina

Applicant's

Ex. No. 454, Pg. No. 2



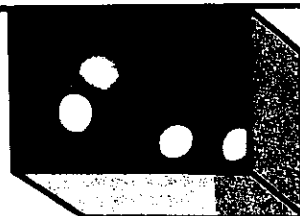
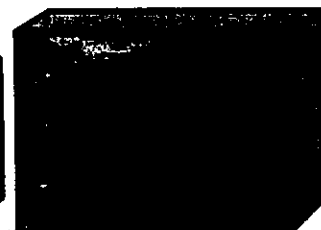
Garnet & Black

Volume 81 • 1979 •

University Of South Carolina

Columbia, South Carolina 29208

In search of . . .



Karate Club

Self-defense is important, both for protection and for exercise. This is the attitude held by the members of the Carolina karate club. According to club president Susan Morris, there were about fifty active members who met twice a week at the Physical Education Center throughout the year. At the meetings, the group divided into two smaller groups, advanced and beginning. While the latter practiced basic karate skills, the former practiced for competitive tournament participation. Roughly half of the members went to tournaments in 1978, including competition in New Orleans, Baltimore, Nashville, Atlanta, and Madison, Wisconsin. In addition, member Mike Goldman won prestige for USC by ranking in the top ten superlight karate fighters in the world. Goldman also won his division in the Battle of Atlanta, the biggest tournament in the South. Carolina had a second fighter, Tony Bell, win his division in Atlanta, which was the third biggest tournament in the United States in 1978. Bell was ranked in the top ten fighters in the South this season.

High in the air, a Karate Club member jumps in defense of a blow delivered by co-club member.

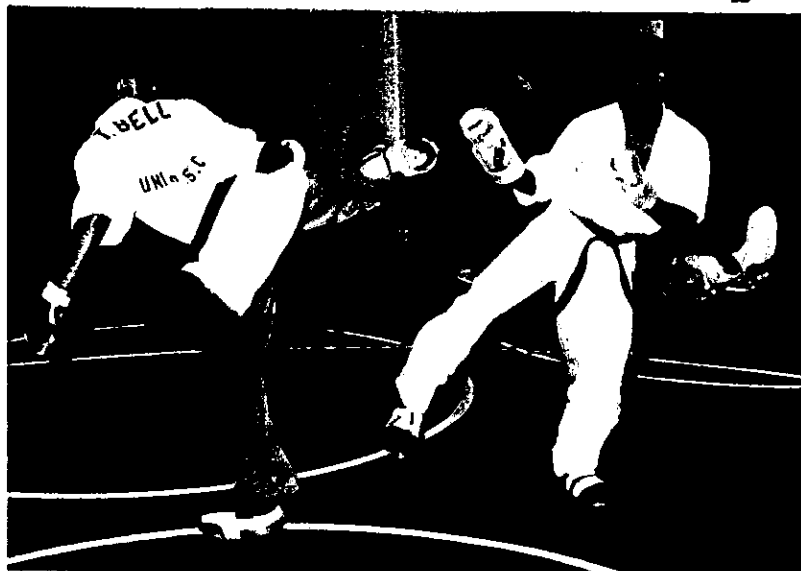
Right: Club member T. Bell shows his kicking form on a temporarily helpless opponent.

Below right: Karate is not for men only, as these club members show during practice.

Below: An unusual but effective attack is demonstrated during a practice match at the P.E. Center.



BB



BB



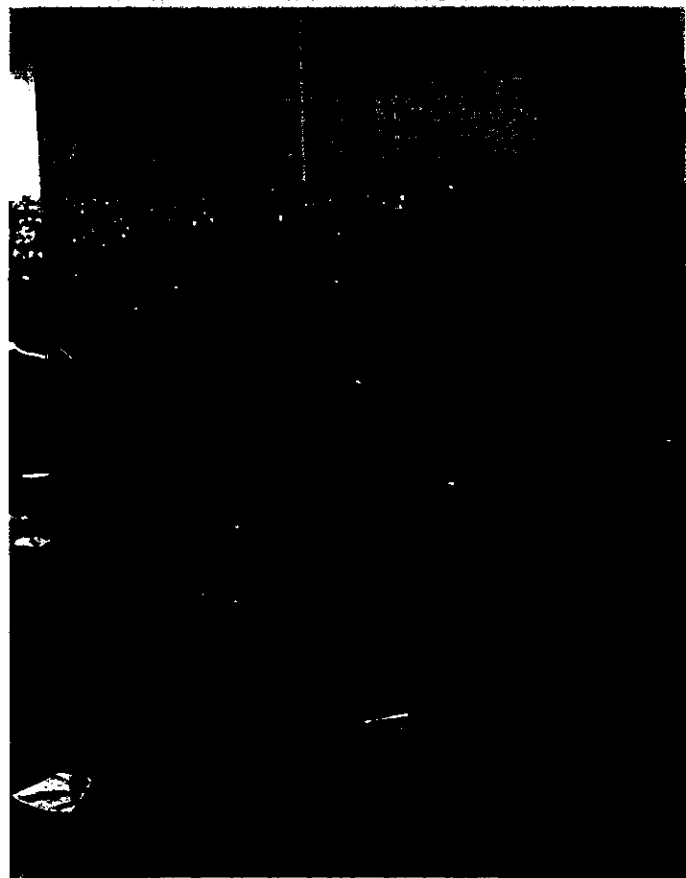
BB



GAP

The

ACTION AND
Beating
Clemson! Our
Own Bowl Game
The Big
Highlights Of 79-
80 Carolina's
"This /s Next
Year"



University of South Carolina's
GARNET AND BLACK

1981

Columbia, SC 29208

Volume 83



Opposition No. 91125615
Univ. Southern California v.
Univ. South Carolina

Applicant's
Ex. No. 458, Pg. No. 1

TITLE — 1



ny Schumpert



ny Schumpert



Mike Goff

Opposition No. 91125615
Univ. Southern California v.
Univ. South Carolina

Applicant's
Ex. No. 458, Pg. No. 2